

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO LOCAL COMPETITION,) ADMINISTRATIVE
UNIVERSAL SERVICE, AND THE NON-TRAFFIC) CASE NO. 355
SENSITIVE ACCESS RATE)

O R D E R

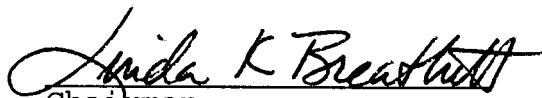
On March 21, 1996, Cincinnati Bell Telephone Company ("Cincinnati Bell") filed a motion to exclude the admission of unsworn testimony from the record in this proceeding. Cincinnati Bell argues that the filings of those parties who have submitted data responses and other information to the Commission, but who are choosing not to participate in the public hearing, should not be admitted. Further, Cincinnati Bell argues that Kentucky Cable Television Association, which filed testimony from other jurisdictions and "white papers" prepared by consultants for other parties, should have its testimony excluded from the record.

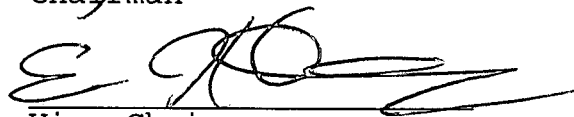
Cincinnati Bell's motion for exclusion from the official record any testimony offered by a party that does not provide a witness to be available for cross-examination is denied based on the Commission's statutory authority not to be bound by the legal rules of evidence. KRS 278.310 states that in the conduct of all hearings before the Commission the Commission shall not be bound by technical rules of evidence. The General Assembly has granted to the Commission wide latitude in the conduct of its hearings to exercise discretion over the conduct of its hearing.

IT IS THEREFORE ORDERED that the weight due to materials furnished by parties who are not subject to cross-examination will be given, but those materials shall not be excluded from the record.

Done at Frankfort, Kentucky, this 22nd day of March, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director